

OCT 20 2006

REMARKS/ARGUMENTS**CLAIM REJECTIONS:****35 U.S.C. §112**

Claims 1-10 and 12-29 stand rejected under 35 U.S.C. §112 on the basis that the specification is not enabled for the claimed metal salts. The claims have been amended and narrowed to zinc oxide to overcome this rejection; other claims were cancelled.

Claims 2, 6, 9, and 11 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 was cancelled, and Claims 6, 9, and 11 were amended to overcome this rejection.

35 U.S.C. §102(b)

Claims 1-22, and 25-29 stand rejected under 35 U.S.C. §102(a or e) as being anticipated by U.S. Patent No. 6,767,939 (*Butler*) which states that it is desirable to improve upon the prior art of 6,180,697 by reducing or eliminating hydrogen sulfide emissions (Col. 6, lines 58-59). However by reading Col. 12, lines 51-61 of the '939 Butler, it is clear that the use of zinc oxide was not therein taught for reducing or eliminating hydrogen sulfide emissions, and states: "[d]uring preparation of these bitumen/polymer compositions hydrogen sulfide emissions can occur when elemental sulfur is used as one of the crosslinking agents. To eliminate or reduce hydrogen sulfide emissions, sulfur-donating compounds are used in place of the elemental sulfur. Sulfur donating compounds include, among other compounds, mercaptobenzothiazole (MBT hereafter), dithiodimorpholine (DTDM hereafter), mixed polythiomorpholine (MPTM hereafter) and ZMBT."

Claims 1-22, 25, 26, and 29 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,104,916 (*Trinh*). *Trinh*, however, does not teach or disclose the use of zinc oxide to reduce hydrogen sulfide emissions. Instead, *Trinh* teaches a vulcanization composition for elastomers. Independent Claims 1 and 10, as amended does not include elastomers; as such, this objection is now moot for such claims and those claims that depend therefrom.

With respect to independent Claim 16 (and the claims that depend therefrom) and Claim 11, Applicants teach the use of a lower weight percentage of cross-linking agents

(0.01 to 0.6 wt% total) than *Trinh*. Therefore, no prima facie showing under 35 U.S.C. §102(b) has been made for such claims.

Claims 2, 5, 13, 14, 18-21, 26, and 29 were cancelled for other reasons.

35 U.S.C. §103(a)

Claims 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,767,939 (*Butler*).

Claims 23-24 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,104,916 (*Trinh*).

Those references have been discussed above. Claims 23-24 depend from amended claims that are now allowable. Thus such dependent claims are also allowable and no prima facie showing under 35 U.S.C. §103(a) has been made.

35 U.S.C. §101 Statutory Double Patenting/Conflicting Claims – 37 CFR 1.78(b)

Various combinations of the claims have been rejected under 37 CFR 1.78(b) on the basis that the claims of the instant application conflict with the claims set forth in U.S. Application No. 10/749,259; U.S. Application No. 10/888,563; U.S. Application No. 10/972,022; U.S. Application No. 11/020,774; U.S. Application No. 11/250,665.

The claims have been amended and have overcome such rejections with respect to U.S. Application No. 10/888,563 (Notice of Allowance mailed 10/17/2006); U.S. Application No. 11/020,774; and U.S. Application No. 10/972,022.

With respect to U.S. Application No. 10/749,259 (Notice of Appeal filed) and U.S. Application No. 11/250,665 (not yet examined), those claims will be amended upon allowance of the claims set forth herein.

Provisional Obviousness-Type Double Patenting

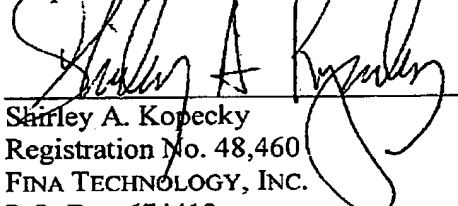
Various combinations of the claims have also been rejected on the basis that they are not patentably distinct from claims set forth in U.S. Application No. 10/749,259; U.S. Application No. 10/888,563; U.S. Application No. 10/972,022; U.S. Application No. 11/020,774; and U.S. Application No. 11/250,665.

The claims have been amended and have overcome such rejections with respect to U.S. Application No. 10/888,563 (Notice of Allowance mailed 10/17/2006); U.S. Application No. 11/020,774; and U.S. Application No. 10/972,022.

With respect to U.S. Application Nos. 10/749,259 (Notice of Appeal filed) and 11/250,665 (not yet examined). Those claims will be amended upon allowance of the claims set forth herein so they are patentably distinct from each another, or if appropriate, a terminal disclaimer will be filed.

In conclusion, Applicants submit that the references cited in the Office Action, do not teach, show, or suggest the claimed features, and that the other rejections and objections have been overcome. Applicants respectfully submit that the amended claims are now in condition for allowance, and respectfully request the same.

Respectfully submitted,



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